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*Press Item for the DCI*Date: 29 JunItem: No. 11Ref: No. 10

Attached is press on various Supreme Court rulings handed down today in addition to the preceding item (abolition of the death sentence).

25

COURT-PENTAGON PAPERS

WASHINGTON (AP)-THE SUPREME COURT TODAY RULED A FEDERAL GRAND JURY MAY QUESTION AIDES OF SEN. MIKE GRAVEL, D-ALASKA, ABOUT ARRANGEMENTS FOR PUBLICATION OF THE PENTAGON PAPERS.

THE 5 TO 4 DECISION WAS WRITTEN BY JUSTICE BYRON R. WHITE, WHO WAS SUPPORTED BY THE FOUR NIXON ADMINISTRATION APPOINTEES. WHITE SAID THE CONSTITUTION DOES NOT IMMUNIZE EITHER LEGISLATORS OR THEIR AIDES FROM TESTIFYING AT TRIALS OR BEFORE GRAND JURIES WHEN THEIR "LEGISLATIVE" FUNCTIONS ARE NOT UNDER CHALLENGE. FOR EXAMPLE, WHITE SAID, IF A CONGRESSMAN OR AN ASSISTANT MAKES AN ILLEGAL ARREST OR SEIZES THE PROPERTY OR INVADES THE PRIVACY OF CITIZEN HE CANNOT CLAIM AN EXEMPTION FROM QUESTIONING. GRAVEL, A CRITIC OF THE VIETNAM WAR, DISCLOSED PORTIONS OF THE VIETNAM WAR STUDY LAST JUNE AT A MIDNIGHT MEETING OF A SENATE SUBCOMMITTEE. HE LATER ARRANGED FOR A PUBLICATION OF A FOUR-VOLUME EDITION BY BEACON PRESS, THE PUBLISHING ARM OF THE UNITARIAN UNIVERSALIST ASSOCIATION.

AT ISSUE BEFORE THE COURT WAS THE SCOPE OF THE CONSTITUTIONAL PROVISION THAT MEMBERS OF CONGRESS "SHALL NOT BE QUESTIONED IN ANY OTHER PLACE FOR ANY SPEECH OR ANY DEBATE."

THE SENATE, ITSELF, STOOD WITH GRAVEL IN ARGUING THAT THE IMMUNITY PROHIBITED A GRAND JURY IN BOSTON FROM QUESTIONING ANYONE INVOLVED WITH GRAVEL IN ARRANGING FOR THE PUBLICATION. SENS. SAM J. ERVIN JR., D-N.C., AND WILLIAM SAXBE, R-OHIO, SPOKE FOR HIM AT THE COURT HEARING LAST APRIL.

JC1045AED JUNE 29

UPI-42A

(NEWSMEN)

WASHINGTON--THE SUPREME COURT RULED 5 TO 4 TODAY THAT THE
FIRST AMENDMENT DOES NOT EXEMPT NEWSMEN FROM THE OBLIGATION TO
RESPOND TO A GRAND JURY SUBPOENA IN A CRIMINAL INVESTIGATION.

6-29--TS1029AED

UPI-42B

ADD 1 NEWSMEN WASHINGTON (UPI-42A)
THE OPINION BY JUSTICE BYRON R. WHITE CAME IN THREE TEST CASES
FROM CALIFORNIA, KENTUCKY AND MASSACHUSETTS.
THE CONFLICT BETWEEN A GRAND JURY'S SUBPOENA POWER AND THE
GUARANTEE OF A FREE PRESS HAD NEVER BEFORE BEEN PRESENTED TO THE
COURT.

6-29--TS1031AED

23
COURT-ALIENS
BY JAY PERKINS

WASHINGTON (AP)-THE SUPREME COURT RULED TODAY THAT THE FIRST AMENDMENT DOES NOT PRECLUDE THE ATTORNEY GENERAL FROM BARRING FOREIGN CITIZENS WHO ARE INVITED TO LECTURE IN THIS COUNTRY.

THE 6-3 RULING OVERTURNED A DECISION BY A THREE-JUDGE FEDERAL COURT IN NEW YORK. THAT COURT HAD RULED SECTIONS OF THE IMMIGRATION AND NATIONALIZATION ACT OF 1952 WERE UNCONSTITUTIONAL. THE CASE INVOLVED DR. ERNEST E. MANDEL, AN INTERNATIONALLY KNOWN BELGIAN MARXIST WHO HAD BEEN INVITED TO SPEAK ON SEVERAL U.S. CAMPUSES.

THE LOWER COURT RULED MANDEL HAD NO INDIVIDUAL RIGHT TO ENTER THE COUNTRY BUT THAT CITIZENS OF THE U.S. HAD THE FIRST AMENDMENT RIGHT TO HEAR HIM IN PERSON. IT STRUCK DOWN SECTIONS OF THE IMMIGRATION ACT WHICH ALLOWED THE ATTORNEY GENERAL TO EXCLUDE ALIENS WHO "ADVOCATE THE ECONOMIC, INTERNATIONAL AND GOVERNMENTAL DOCTRINES OF WORLD COMMUNISM OR THE ESTABLISHMENT IN THE UNITED STATES OF A TOTALITARIAN DICTATORSHIP."

THE SUPREME COURT, IN OVERTURNING THE LOWER COURT'S DECISION, SAID THE ISSUE WAS WHETHER THE FIRST AMENDMENT GAVE CITIZENS THE ABILITY TO DETERMINE WHO SHOULD ENTER THE COUNTRY OR, IF IT GAVE CITIZENS THE RIGHT "TO COMPEL THE ATTORNEY GENERAL TO ALLOW MANDEL'S ADMISSION."

"IN ALMOST EVERY INSTANCE OF AN ALIEN EXCLUDABLE . . . THERE ARE PROBABLY THOSE WHO WOULD WISH TO SPEAK AND MEET WITH HIM," SAID JUSTICE HARRY A. BLACKMUN, WRITING FOR THE MAJORITY. HE WAS JOINED IN THE OPINION BY CHIEF JUSTICE WARREN E. BURGER, AND JUSTICES POTTER STEWART, BYRON R. WHITE, LEWIS POWELL AND WILLIAM J. REHNQUIST.

JUSTICE THURGOOD MARSHALL, WHO DISSENTED ALONG WITH JUSTICES WILLIAM J. BRENNAN AND WILLIAM O. DOUGLAS, SAID THE COURT'S DECISION "APPARENTLY HOLDS THAT MANDEL MAY BE EXCLUDED AND AMERICANS' FIRST AMENDMENT RIGHTS RESTRICTED BECAUSE THE ATTORNEY GENERAL HAS GIVEN A 'FACIALLY LEGITIMATE AND BONA FIDE REASON' FOR REFUSING TO WAIVE MANDEL'S VISA INELIGIBILITY."

"I DO NOT UNDERSTAND THE SOURCE OF THIS UNUSUAL STANDARD," MARSHALL WROTE. "MERELY 'LEGITIMATE' GOVERNMENTAL INTERESTS CANNOT OVERRIDE CONSTITUTIONAL RIGHTS."

MANDEL, ALTHOUGH A MARXIST, IS NOT A MEMBER OF THE COMMUNIST PARTY. HE HAD BEEN GRANTED VISAS TO ENTER THE U.S. IN 1962 AND 1968. INVITED IN 1969 TO ATTEND ACADEMIC CONFERENCES AND DISCUSSIONS AT SEVERAL AMERICAN UNIVERSITIES, MANDEL APPLIED FOR A VISA BUT WAS TURNED DOWN ON GROUNDS THAT HE WAS AN ADVOCATE OF COMMUNISM.

JC1038AED JUNE 29

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November 1961
GSA FPMR (41 CFR) 101-11.6

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